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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/455,363	12/06/1999	KAZUAKI TSUCHIYA	ASA-838	5016
24956	7590	05/01/2006	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			PYZOWCHA, MICHAEL J	
		ART UNIT	PAPER NUMBER	
			2137	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/455,363	TSUCHIYA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael Pyzocha	2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 26-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 26-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 26-31 are pending.
2. Amendment filed on 04/05/2006 has been received and considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 26-27 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbins et al (US 5485455) in view of Jain et al (US 6311218).

As per claims 26 and 29, Dobbins et al discloses a network relaying method for a communication network system in which a plurality of network devices are coupled via a communication path, each network device including a network relaying device which is coupled via a plurality of I/O ports to a corresponding plurality of terminals (see column 7 line 60 through column 8 line 21), the method comprising the steps of:

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receiving a packet at a first I/O port from a source terminal coupled to the first I/O port, the packet including a header containing a packet transmission source address (see column 8 lines 30-34);

determining whether a combination of the first I/O port and the packet transmission source address coincides with a combination of an I/O port and a transmission source address that have been registered in advance with a correspondence there between (see column 8 lines 35-36);

when the determining step results in a determination that the combination of the first I/O port and the packet transmission source address coincides with a combination of an I/O port and transmission source address that have been registered in advance with a correspondence there between, transferring the packet received at the first I/O port via a second I/O port (see column 9 lines 38-46);

when the determining step results in a determination that the combination of the first I/O port and the packet transmission source address do not have a coincidence with a combination of an I/O port and transmission source address that have been registered in advance with a correspondence there between: limiting transfer of the received packet registering the first I/O port with a correspondence to the packet

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transmission source; and transferring the packet received at the first I/O port via the second I/O port (see column 8 line 37 through column 9 line 37 and claim 4).

Dobbins et al fails to disclose transmitting a request for user authentication of a user to the source terminal; receiving user authentication information sent from the source terminal in response to the request for user authentication; executing user authentication of the user based on the user authentication information thus received and based on the packet transmission source address.

However, Jain et al teaches such authentication (see column 5 line 21 through column 6 line 15).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to Jain et al's authentication method in Dobbins et al's connection method.

Motivation to do so would have been to authenticate and unauthenticated port (see Jain et al column 5 lines 20-40).

As per claims 27 and 30, the modified Dobbins et al and Jain et al system discloses the authentication including a user name (see Jain et al column 5 lines 20-40), but fails to disclose a password. However Official Notice is take that at the time of the invention it would have been obvious to one of ordinary skill in the art to include a password for the

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authentication in the modified system. Motivation to do so would have been to provide authorized access to the system.

5. Claims 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Dobbins et al and Jain et al system as applied to claims 26 and 29 above, and further in view of Townsend et al (US 5661719).

As per claims 28 and 31, the modified Dobbins et al and Jain et al system teaches the transmission source address includes a MAC address (see Dobbins et al column 9 lines 10-25).

The modified Dobbins et al and Jain et al system fails to teach the transmission source address also includes an IP address.

However, Townsend et al teaches a transmission source address includes an IP and MAC address (see column 3 lines 13-24).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include both address in the modified Dobbins et al and Jain et al system.

Motivation to do so would have been to have both the physical and logical address of the source (see Townsend et al column 3 lines 13-24).

**Response to Arguments**

6. Applicant's arguments filed 04/05/2006 have been fully considered but they are not persuasive. Applicant argues: the Dobbins system sends a packet to all ports except for the inbound port when the destination is uncertain; Dobbins does not teach the connection table is used to determine whether a combination of the inbound port and the source address coincides with a combination registered; Jain fails to discloses any correspondence between an I/O port that has received a packet and the source network address identified in the packet, or that a packet relay means operates to learn about any such correspondence; and that Townsend fails to disclose the pre-registered transmission source address.

With respect to Applicant's argument that the Dobbins system sends a packet to all ports except for the inbound port when the destination is uncertain, which is cited from column 8 of the Dobbins reference, Applicant is directed to the continuing section of column 8 (lines 15-21) where Dobbins states, "Because SFPS uses both the source and destination addresses it does not have the failings of current bridges and routers." Therefore Dobbins is overcoming the problem addressed by Applicant.

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With respect to Applicant's argument that Dobbins does not teach the connection table is used to determine whether a combination of the inbound port and the source address coincides with a combination registered, in column 9 lines 38-46 Dobbins discloses combining the packet source and destination MAC addresses with the inbound port to form a connection identifier and looking up this connection identifier in the table, and if it is present forwarding the packet.

With respect to Applicant's argument that Jain fails to disclose any correspondence between an I/O port that has received a packet and the source network address identified in the packet, or that a packet relay means operates to learn about any such correspondence, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this instance Jain is relied upon for its teaching of user authentication in a network environment to enable a

With respect to Applicant's argument that that Townsend fails to disclose the pre-registered transmission source address, again, one cannot show nonobviousness by attacking references individually where the rejections are based on

combinations of references. In this instance Townsend is relied upon for the teaching of a source address including an IP address, while the combination of Dobbins and Jain disclose the pre-registered transmission source address.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner

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can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER